

ENTERED

June 18, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RODOLFO GONZALEZ,

Plaintiff,

VS.

MARTIN O'MALLEY,

Defendant.

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CIVIL ACTION NO. 2:23-CV-00216


ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is a Memorandum and Recommendation (M&R) issued by United States Magistrate Judge Jason B. Libby. D.E. 17. The Magistrate Judge recommends that Plaintiff's brief, construed as a motion for summary judgment (D.E. 11), be denied. The Magistrate Judge also recommends that Defendant's responsive brief, construed as a cross-motion for summary judgment (D.E. 16), be granted and that this action be dismissed. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's M&R, and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Therefore, Plaintiff's brief, construed as a motion for summary judgment (D.E. 11), is **DENIED**. Defendant's responsive brief, construed as a cross-motion for summary judgment (D.E. 16), is **GRANTED** and this action is **DISMISSED WITH PREJUDICE**.

ORDERED on June 18, 2024.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE